

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

GABRIEL H. GRADO,

Plaintiff,

v.

CV 15-0573 LH/CG

VINCE HORTON, et al.,

Defendants.

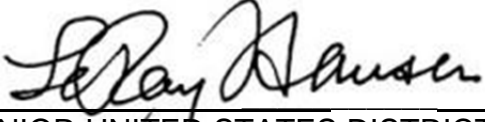
**ORDER ADOPTING MAGISTRATE JUDGE'S AMENDED
PROPOSED FINDINGS AND RECOMMENDED DISPOSITION**

THIS MATTER is before the Court on the Magistrate Judge's *Amended Proposed Findings and Recommended Disposition* ("Amended PFRD"), filed on October 30, 2015. (Doc. 37). In the Amended PFRD, the Magistrate Judge construed Plaintiff's *Amended Complaint*, (doc. 26), as a Motion for Leave to Amend and Defendants' *Objections*, (Doc. 34), to the Court's initial *Proposed Findings and Recommended Disposition*, (Doc. 33), as opposing the Motion for Leave Amended on futility grounds. Because the Amended Complaint incorporated by reference all of the factual allegations in the initial Complaint, the Magistrate Judge also considered Defendants' *Joint Motion to Dismiss and Memorandum of Law in Support* addressing the initial Complaint, (Doc. 23).

Under this procedural framework, the Magistrate Recommended that Plaintiff's Amended Complaint, (doc. 26), construed as a Motion for Leave to Amend, be DENIED; that Defendant's Joint Motion to Dismiss the initial Complaint, (Doc. 23), be GRANTED; and that Plaintiff's federal claims in the initial Complaint be DISMISSED WITH PREJUDICE. The parties were notified that written objections to the PFRD were due within fourteen days. (Doc. 37 at 21). No objections have been filed and the deadline of November 16, 2015 has passed. The recommendations of the Magistrate Judge are

adopted by this Court.

IT IS THEREFORE ORDERED that Plaintiff's initial Complaint (Doc. 1, Ex. 1; Doc. 6, Ex. 1) is **DISMISSED WITH PREJUDICE**.



SENIOR UNITED STATES DISTRICT JUDGE